

THE DAILY PHOENIX.

DAILY PAPER \$10 A YEAR.

"LET OUR JUST CENSURE ATTEND THE TRUE EVENT."

TRI-WEEKLY \$7 A YEAR.

BY J. A. SELBY.

COLUMBIA, S. C.; TUESDAY MORNING, SEPTEMBER 5, 1865.

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BY JULIAN A. SELBY.

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The Constitution of Virginia, under the restored Government, differs from the Virginia Constitution of 1851 much less than is generally supposed. The changes, however important, are not numerous. In the Code of Virginia, issued in the year 1860, and liberally distributed throughout the State to justices, clerks and others, and now accessible to most persons, will be found at full length the former Constitution:

With these preliminaries, we at once consider the Alexandria Constitution. Prefixed to it are the old bill of rights and preamble. Articles I and II of the former Constitution are contained unchanged.

Article III, on qualification of voters, in the old, is greatly changed in the new Constitution. Residence prerequisite to voting is reduced to one year in the State and six months in the county, city or town. But the great and important change consists of two parts, namely, disfranchisement of voters and disability for office-holding, by reason of participation in the rebellion. All persons are disfranchised who, since the first day of January, 1864, have "voluntarily given aid or assistance, in any way, to those in rebellion against the Government of the United States, for the purpose of promoting the same." The Legislature have power to relieve from this privation and restore the right of franchise, "when, in their opinion, it will be safe to do so." Accordingly, the Legislature, by Act of the 22d June, 1865, in extra session at Richmond, restored the franchise to all those deprived as aforesaid, who should take the oaths therein prescribed, to wit: that in the Amnesty Proclamation of President Johnson of the 29th May, 1865, and that to support the restored government of Virginia. But persons excluded from the benefit of said Amnesty Proclamation, until pardoned by the President, are excepted from such enfranchisement. Persons excluded from the amnesty, by reason of the \$20,000 exception, are, nevertheless, enfranchised by said Act. The disability for office-holding is, next to the disfranchisement of voters, the most remarkable part of the instrument. No person can, according to its terms, "vote or hold office under this Constitution who has held office under the so-called Confederate Government, or under any rebellious State Government, or who has been a member of the so-called Confederate Congress, or a member of any State Legislature in rebellion against the authority of the United States, excepting therefrom county officers." This proscription and impracticable rule will, doubtless, be expunged at an early day. It is impossible to continue such a provision among a people who are recognized as loyal, and who claim a Republican Government. The reason and necessity of such a proscription, if ever of sufficient cogency, have wholly ceased; and the Executive and the Legislature have united in recommending and promoting its abrogation. The Legislature, at the extra session above-mentioned, by an Act passed on the 21st day of June, 1865, entitled "An Act to provide for the amendment of the third article of the Constitution," invested the Governor with discretion to ascertain the sense of the qualified voters on the proposition to empower the next General Assembly to amend the third article

of the Constitution—that which imposes the disfranchisement and disabilities—so that, in virtue of the high authority thus invoked and exercised, the loyal people of the State may be completely rehabilitated. This result is so necessary and wise that we must soon witness its consummation. In this event, Article III of the old Constitution, will be substantially if not literally restored.

Article IV—legislative department—has undergone several and considerable changes. They are mainly the results or incidents of the war, in the midst of which the new Constitution was proclaimed. Such as arise from the disavowance of the Old Dominion and the abolition of slavery will readily be understood. The Alexandria Constitution declares that the House of Delegates shall consist of not less than eighty and not more than one hundred and four members, and the Senate of a number not less than one-third and not more than one-half the number of the House. It apportions representation in the House and Senate among the counties and cities, and provides for future re-apportionment in 1870 and decennially thereafter, in an enumeration of the inhabitants of the State. The General Assembly is to meet annually. In this article, sections 19, 20 and 21 of the former Constitution, headed "slaves and free negroes," have been substituted in the now by sections headed "slavery or freedom," declaring slavery abolished and forever prohibited. Another section relates to the public debt and its apportionment between Virginia and West Virginia. It declares that no ordinance of the Wheeling Convention adjusting the debt between the two shall be binding on this State. Another section of this article prohibits the Legislature from paying any debt or obligation incurred by the rebellious State authorities at Richmond. It also forbids any county, city or corporation to levy or collect any tax to pay any debt created in aid of the rebellion. The sinking fund created and regulated by the 29th section of the former Constitution, appears to be entirely omitted from the new. Instead of that, the 29th section of the new Constitution provides that no debt shall be contracted by the State, except for casual deficits in the revenue, or the discharge of a previous liability, or for military purposes. If the State become a stockholder in any internal improvement, the stock shall be paid for at the time of subscription, or a tax shall be levied for the next year to pay the subscription in full.

Article V, of the Executive Department, in the late Constitution, remains unchanged, except by this addition: "Until the members of the Board of Public Works shall be elected by direction of the Legislature and qualified, the authority and duty of the Board are devolved on the Governor, Auditor and Treasurer of the Commonwealth; and the Secretary of the Commonwealth shall discharge the duties of the clerk of said Board."

Article VI, relating to the Judiciary, is very materially changed in the new Constitution. The latter provides for a Court of Appeals, to consist of three judges, for district courts, and for sixteen circuit courts. The judicial term is not changed, but the mode of election or appointment is radically different from that lately in force. It is provided that the judges shall be chosen by the joint vote of the two houses of the General Assembly, from persons nominated by the Governor. The several circuits and districts are defined in the Constitution. In other respects, the former constitutional provisions on the judiciary are continued unchanged. Justices of the peace, besides their *per diem* for court service, may by law be allowed fees and emoluments for other services.

In conclusion of our exhibit of the Alexandria Constitution, in which we have stated all important changes, and omitting only the minor and trivial ones, we may remark that the body of the instrument in other matters is a transcript of the former Constitution. In respect to the judiciary, the change is at most but of debatable propriety. It involves an abandonment of popular election of judges and adopts a

mode of appointment somewhat resembling that in the Constitution of the United States. The change is not of a character to excite much, if any, reprobation; to many it will be preferable to the superseded mode. The inhibition of an appropriation to internal improvements is a change of great consequence. It is well calculated to elicit discussion; but at present, when our public debt and other burdens are so heavy as to be truly oppressive, there would be scarcely any disposition to augment them, independent of this inhibition. For the present, therefore, our poverty and exhaustion may reconcile us to the provision so consistent with them. The abolition and interdiction of slavery contained in the new Constitution are but the irreversible fiat of this generation, rendering discussion of the subject wholly superfluous and unprofitable. The disfranchisement and disabilities inflicted by the new Constitution have in part been, and will soon in whole be expunged, and be substituted by such enlightened and liberal provisions as will remove all just complaint and satisfy sound public sentiment. Should these expectations be realized, we shall find the Alexandria Constitution much more endurable than many may have imagined.—*Richmond Times.*

Drug Store

For Sale.

THE STOCK and FIXTURES of a wholesale and retail DRUG STORE, in the town of Newberry, S. C., prominently situated, and of good patronage, will be sold at a bargain, if applied for soon. Satisfactory reasons assigned for selling. Address Box 88, Newberry, S. C. Sept 4

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For Sale.

PRICE \$2,000 CASH.

A LARGE commodious HOUSE, in the village of Maybinton, Newberry District, with 80 acres of excellent land—some of it very prime—attached to it. On the premises a large kitchen, smoke-house, and a very extensive set of stables and fodder houses. The house contains 9 rooms—3 of them very large, about 24 feet by 20, affording every facility for the establishing of a large store, and ample accommodation for a family. Of the 80 acres of land, 30 are wooded, original growth. Maybinton was, formerly, a place of very considerable trade, and as the Union and Spartanburg Railroad is not now in working order, and not likely to be so for many years to come, the above property offers great advantages to any one wishing to engage in the country trade. Apply to the subscriber on the premises. Sept 12 WM. KOPER.

South Carolina—Richland District.

By Jacob Bell, Ordinary of said District. WHEREAS Martha J. Townsend hath applied to me for letters of administration on all and singular the goods, chattels and credits of Samuel Townsend, late of the District aforesaid, deceased: These are, therefore, to cite and admonish all and singular the kindred and creditors of the said deceased, to be and appear before me, at my next Ordinary's Court for the said District, to be holden at Columbia on Friday, the eighth day of September next, at 10 o'clock a. m., to show cause, if any, why the said administration should not be granted.

Given under my hand and seal of the Court, this twenty-fourth day of August, in the year of our Lord one thousand eight hundred and sixty-five, and in the nineteenth year of American independence.
JACOB BELL,
Aug 30 tu2 Ordinary Richland District.

NICKERSON'S HOTEL,

COLUMBIA, S. C.

THE undersigned, having leased the LARGE and COMMODIOUS BUILDING known as the "Columbia Methodist Female College," will open it as a FIRST-CLASS HOTEL on September 7. T. S. NICKERSON, Proprietor.
Papers throughout the State insert twice a week for five weeks, and send bills to this office. Aug 17

SHOES, &C.

JUST received from Philadelphia and Baltimore and will be opened this morning, a fine assortment of Gent's, Ladies' and Misses' SHOES, made to order expressly for this market, consisting in part of the following:

Gent's Calf and Kid Congress GAITERS and BALMORALS.
Gent's Double Soled GAITERS and BALMORALS.
Gent's Calf Double Soled OXFORD TIES and BUCKLE SHOES.
Ladies' Calf, Kid and Goat GAITERS and BALMORALS.
Ladies' Cloth Congress GAITERS and BALMORALS.
Ladies' English Kid SLIPPERS.
Misses' fine BALMORALS and GAITERS.
Misses' Strong BOOTEES, for school.
Those in want are invited to call and examine our stock.

SHELTON, CALVO & WALSH.

Sept 4

FIRE AND LIFE INSURANCE.

H. E. NICHOLS, Agent.

FOR the following FIRST CLASS COMPANIES:

New York Underwriter's Agency, Capital, \$3,000,000
Home Insurance Company, New York, Capital, 2,000,000
International Insurance Company, New York, Capital, 1,000,000
Continental Insurance Company, New York, Capital, 1,000,000
Hartford Fire Insurance Company, Hartford, Capital, 2,000,000
Metropolitan Insurance Company, New York, Capital, 1,000,000
Home Insurance Company, Savannah, Capital, 2,000,000
Phoenix Insurance Company, Hartford, Capital, 500,000
Columbia Insurance Company, New York, Capital, 500,000
New England Mutual Life Insurance Company, Boston, Capital, 5,000,000
New York Accidental Insurance Company, insuring against all accidents.
With several other well known and reliable companies, the aggregate capital amounting to over \$20,000,000. Risks taken in any one spot to amount of \$200,000.
Office at Mr. Hussung's house, corner of Assembly and Washington sts. Aug 16 6m

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ANY business entrusted to them will receive prompt attention.
GOLD, SILVER, SECURITIES and BANK NOTES bought and sold.
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GEORGE SCHLEY, Esq., and Messrs. F. C. BARBER & CO., Augusta, Ga.
Messrs. STENHOUSE & MCCAULEY, Charlotte, N. C.
Office for the present at Messrs. Zealy, Scott & Bruns. Aug 16 6m

DAVIDSON COLLEGE,

CHARLOTTE, N. C.

THE exercises of the College, and of the Preparatory Department connected with it, will be resumed on the 28th of SEPTEMBER.

As a measure necessary to the support of the Institution in the existing derangement of its finances, the Board of Trustees have suspended, for twelve months, the privilege of using Scholarships in the payment of tuition.

Tuition \$20 for the session of five months, and Board \$10 per month—payable in advance, in specie, or its equivalent in currency or provisions.

It is desirable that Students should bring with them such books as they may require; also such articles of furniture for their rooms as they may be able to transport.

For other particulars address the subscriber, to the care (for the present) of Dr. E. Nye Hutchison, Charlotte.

J. L. KIRKPATRICK, President.

Aug 22 1mo

FENNER, BENNETT & BOWMAN,

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MR. T. A. TOBIN, who was for a length of time connected with the old firm of Hotchkiss, Fenner & Bennett, has an interest in the present firm, and will devote his attention principally to the State of South Carolina. His address will be Clinton, Laurens District. Aug 4 1mo

School for Girls.

THE MISSSES MARTIN will open a School for Girls on the FIRST MONDAY in October. Besides the usual English studies, lessons will be given in Latin, French and Music. A few boarders will be received into the family. Apply at their residence on Blanding street. August 17

JUST RECEIVED

AND FOR SALE BY

L. C. CLARKE,

AT HIS RESIDENCE,

Corner Blanding and Bull Streets,

FINE CORSETS, Black SEWING SILK, Ladies' BUCK GAUNTLETS and GLOVES.

Ladies' White KID GLOVES.
Ladies' Mourning and Emb'd H'DK'FS.
SILVER THIMBLES, SCISSORS.
Key Rings, Craple Collars.
Cologne, (pure and fine).
Lubin's Extracts, Pomade.
Butterfly Cravats, China Dolls.
Fancy Tuck Combs.
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Cassimere, for suits.
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Silk Tissue, for veils.
Bleached Shirting, Leather Belts.
DeBoge, for travelling dresses.
Ladies' Merino Vests.
Low-priced Ladies' Hose.
Fancy Vest and Dress Buttons.
Diaper Pins, Agate Buttons.
Gent's Linen Collars, Matches.
Black and Colored Silk Belting.
Brooms, Black and Green Tea.
Spool Cotton, all numbers.
Mourning Calico.
Boys' Half Hose, Felt Hats.
Ruta Baga Turnip Seed, &c. Aug 22 4

Orlando Z. Bates

RESPECTFULLY informs his former customers and friends, and the public in general, that he has established himself on the corner of Gates and Washington streets—one square South of the Shriver House—where he has opened, and offers for sale, the following new and carefully purchased GOODS, viz:

SUGARS, COFFEE, TEA,
Soda Biscuit, Boston Crackers, Butter,
Flour, Soap, Starch, Cooking Soda,
Washing Soda, Pepper, Spice, Ginger,
Candles, Codfish, Mackerel, Cheese,
Ground Pepper, London Mustard,
Mason's Challenge Blacking,
Mason's Black Writing Ink, Sardines,
Fish Hooks, Matches, Brooms, Buckets,
Washboards, Corn, G. D. Caps,
Waterproof Caps, Tobacco, Padlocks, etc.
All of which must and will be sold as cheap as the cheapest. Sept 2 6

BLUE STONE.

3,000 LBS. BLUE STONE, for sale LOW by
aug 30 ZEALY, SCOTT & BRUNS

LADIES' UNDER GARMENTS.

A LARGE assortment of the above, just received, at low prices.
aug 30 ZEALY, SCOTT & BRUNS.

Notice.

DURING the temporary absence of the subscriber, he will be pleased to receive and execute any commission connected with business—buying Drugs and Medicines, Groceries, Hardware, Books, &c.; and selling any products that may be forwarded, on usual cash terms. E. H. HEINTSH.
Office No. 20 North 10th street, Philadelphia, Pa. aug 31 46

BOARDING.

PRIVATE and TRANIENT BOARD, at a private house, can be obtained at Mrs. H. K. STEELE'S,
Assembly street, near Lumber. aug 31 43

CONNER'S

United States Type Foundry, Nos. 23, 30 and 32 Centre street, near the City Hall, New York.

TO PRINTERS AND PUBLISHERS.

THE undersigned beg to call your attention to their new series of SCOTCH CUT FACES, from Pearl to Pica, just finished, specimens of which can be furnished on application; surpassing, if possible, their original Scotch Cut Faces, which have given such universal satisfaction throughout the United States.

THE FANCY TYPE DEPARTMENT exhibits an unsurpassable quantity of styles, of home origin, and selected from England, France and Germany. And their new American Scripts, Round Hand and Italian Scripts, Bordering, etc., are not to be excelled in this or any other country; and this the undersigned make bold to say of their specimens—as they have reached a point originally aimed after—that is, to excel in quality of the article furnished, and in the variety of styles presented for selection—surpassing all similar establishments. The several styles have only to be seen to be appreciated.

Particular attention is called to their German department, wherein is shown as splendid German faces and styles as can be seen in the German Confederation or the United States. Particular attention having been given to the selection, in obtaining the styles from the best type foundries throughout Germany, whether for Book, Job or Newspaper Printing.

All Type cast at their establishment is now manufactured from the metal known as Conner's Unequaled Hard Type Metal. Every article necessary for a perfect Printing Office furnished as above.
Sept 4 JAMES CONNER'S SONS.